

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

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UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
CHARLES J. MOSLEY,  
Defendant.

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Case No. 3:04-cr-00075-JKS

ORDER APPOINTING COUNSEL  
and SETTING SCHEDULE

On May 21, 2008, Charles Mosley filed a motion for appointment of counsel for the purposes of re-sentencing under 28 U.S.C. § 3582(c), in light of the new Sentencing Guidelines with respect to "crack" cocaine.<sup>1</sup>

IT IS THEREFORE ORDERED that:

1. The Clerk of Court will confirm that the United States Attorney has received a copy of docket numbers 141-143, along with this Order.

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<sup>1</sup> See Docket Nos. 141-143; see also *Kimbrough v. United States*, 128 S.Ct. 558, 569 (2007), citing Amendments to the Sentencing Guidelines for United States Courts, 72 Fed.Reg. 28571-28572 (2007); *United States v. Ross*, 511 F.3d 1233, 1237 n. 2 (9th Cir. 2008) ("On March 3, 2008, time reductions for crack cocaine offenders sentenced prior to November 1, 2007, will be authorized pursuant to 18 U.S.C.A. § 3582(c) (2)").

2. Mr. Mosley's application for appointment of counsel, at docket number 141, is GRANTED. Michael Dieni is appointed to represent Mr. Mosley in this matter.
3. Counsel for Mr. Mosley shall review the record, confer with him, and file a motion under section 3582(c), or other appropriate document, within sixty days from the date of this Order.
4. The Government is permitted to file a response within sixty days from the time counsel for Mr. Mosley files the motion.
5. Counsel for Mr. Mosley may file a reply within thirty days of the filing of the response.
6. A hearing may be set upon request made after the briefing is complete.

DATED this 5<sup>th</sup> day of June, 2008.

/s/JAMES K. SINGLETON, JR.  
United States District Judge